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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Ryan Six,

10 Plaintiff,

11 v.

12 IQ Data International Incorporated,

13 Defendant.
14

No. CV-22-00203-PHX-MTL

ORDER

15 The Court now resolves Plaintiff Ryan Six’s Motion for Attorney Fees re Sanctions
16 (Doc. 109). For the following reasons the Court grants Plaintiff’s Motion with
17 modifications.

18 **I. BACKGROUND**

19 As the Court previously described the factual background underlying the dispute, it
20 will only briefly reiterate it here. Six sued Defendant IQ Data International Incorporated
21 (“IQ Data”) alleging that IQ Data mailed him a collection letter despite knowing he was
22 represented by counsel—what he claims constitutes a violation of the Fair Debt Collection
23 Practices Act (“FDCPA”), 15 U.S.C. § 1692 *et seq.* (Doc. 1.) IQ Data denied the allegations
24 and stridently maintained that Six lacked Article III standing to bring this lawsuit. Instead
25 of raising these arguments in a dispositive motion, however, IQ Data chose to file a Federal
26 Rule of Civil Procedure 11 Motion (the “Rule 11 Motion”) requesting sanctions against
27 Six and his counsel on the basis that Six’s Complaint “contained allegations for which [Six]
28 does not have standing to sue” (Doc. 32 at 1.)

1 Following Plaintiff’s allegations that IQ Data’s counsel engaged in misconduct in
2 filing the Rule 11 Motion and rebuking his requests for extension of time on filing
3 deadlines (Doc. 87 at 2), the Court set a hearing to determine whether sanctions against IQ
4 Data and its counsel were appropriate (Doc. 88). At the hearing, the Court determined that
5 IQ Data’s Rule 11 Motion was frivolous and filed for the purpose of leveraging a
6 settlement. (Doc. 106 at 42.) The Court further found that the Rule 11 Motion was made
7 recklessly and with bad faith and that it was improperly filed as an alternative to a
8 dispositive motion. (*Id.*) Moreover, the Court concluded that IQ Data’s denial of Six’s
9 requests for an extension of time to respond to the summary judgment motion was
10 vexatious and done for the purpose of harassment. (*Id.*) The Court finally found that IQ
11 Data’s counsel had misrepresented to the Court their reasoning for requesting a
12 modification of the Scheduling Order. (*Id.* at 43.) Specifically, IQ Data’s counsel said that
13 they wished to modify the scheduling order to increase settlement prospects in a cost-
14 effective manner, implying that the parties agreed to pause litigation activity, only to file a
15 motion for summary judgment immediately thereafter, which, of course, only serves to
16 multiply the proceedings. (*Id.*) At the conclusion of the hearing, the Court invited Six’s
17 counsel to file a motion for the award of attorneys’ fees limited to those fees incurred in
18 dealing with IQ Data’s Rule 11 Motion and the requests for an extension of time to respond
19 to the summary judgment motion—including fees incurred for the hearing and the Motion
20 to Modify the Scheduling Order. (*Id.*)

21 **II. LEGAL STANDARDS**

22 Under 28 U.S.C. § 1927, “[a]ny attorney . . . who so multiplies the proceedings in
23 any case unreasonably and vexatiously may be required by the court to satisfy personally
24 the excess costs, expenses, and attorneys’ fees reasonably incurred because of such
25 conduct.” Beyond this statutory grant of authority, the Court also possesses the inherent
26 power “to impose sanctions in the form of fee awards[.]” *Zambrano v. City of Tustin*, 885
27 F.2d 1473, 1481 (9th Cir. 1989). Indeed, it is well established that a court may utilize its
28 inherent authority to “levy fee-based sanctions when a party has acted in bad faith,

1 vexatiously, wantonly, or for oppressive reasons, delaying or disrupting litigation, or has
 2 taken actions in the litigation for an improper purpose.” *Fink v. Gomez*, 239 F.3d 989, 992
 3 (9th Cir. 2001) (citing *Chambers v. NASCO, Inc.*, 501 U.S. 32, 45–46 & n.10 (1991)).
 4 While “bad faith [or conduct tantamount to bad faith] is required [to sanction] under the
 5 court’s inherent power . . . recklessness suffices for § 1927” sanctions. *B.K.B v. Maui*
 6 *Police Dep’t*, 276 F.3d 1091, 1107 (9th Cir. 2002) (quotation omitted). The Court has
 7 substantial discretion to decide whether to award sanctions under § 1927 or its inherent
 8 authority, and in what amount. *Haynes v. City and County of San Francisco*, 688 F.3d 984,
 9 987–88 (9th Cir. 2012). And the purpose of an award “may be to deter attorney misconduct,
 10 or to compensate the victims of an attorney’s malfeasance, or to both compensate and
 11 deter.” *Id.* at 987.

12 To determine the reasonableness of a requested award of attorneys’ fees, the Court
 13 uses the “lodestar” approach. *Coe v. Hirsch*, No. CV-21-00478-PHX-SMM (MTM), 2022
 14 WL 508841, at *1 (D. Ariz. Jan. 21, 2022); *see also Pelayo v. Platinum Limousine Servs.,*
 15 *Inc.*, 804 F. App’x. 522, 524 (9th Cir. 2020). “Under this approach, a ‘presumptively
 16 reasonable’ fee award ‘is the number of hours reasonably expended on the litigation
 17 multiplied by a reasonable hourly rate.’” *Coe*, 2022 WL 508841, at *1 (quoting *Camacho*
 18 *v. Bridgeport Fin., Inc.*, 523 F.3d 973, 982 (9th Cir. 2008)). The Court may adjust the
 19 lodestar amount to account for the *Kerr* factors. *Gary v. Carbon Cycle Arizona LLC*, 398
 20 F. Supp. 3d 468, 485 (D. Ariz. 2019). Those factors include:

21 (1) [T]he time and labor required, (2) the novelty and difficulty
 22 of the questions involved, (3) the skill requisite to perform the
 23 legal service properly, (4) the preclusion of other employment
 24 by the attorney due to acceptance of the case, (5) the customary
 25 fee, (6) whether the fee is fixed or contingent, (7) time
 26 limitations imposed by the client or the circumstances, (8) the
 27 amount involved and the results obtained, (9) the experience,
 28 reputation, and ability of the attorneys, (10) the
 “undesirability” of the case, (11) the nature and length of the
 professional relationship with the client, and (12) awards in
 similar cases.

1 *Kerr v. Screen Extras Guild, Inc.*, 526 F.2d 67, 70 (9th Cir. 1975); *see also Ferland v.*
 2 *Conrad Credit Corp.*, 244 F.3d 1145, 1149 n.4 (9th Cir. 2001) (“Although in most cases,
 3 the lodestar figure is presumptively a reasonable fee award, the district court may, if
 4 circumstances warrant, adjust the lodestar to account for other factors which are not
 5 subsumed within it.”).

6 **III. DISCUSSION**

7 **A. Authority to Award Fees**

8 IQ Data argues that the “request for fees should be denied in its entirety because IQ
 9 Data and its counsel’s conduct . . . occurred in good faith, within all applicable rules and
 10 orders, and in defense against a Complaint that lacks standing and merit.” (Doc. 113 at 5.)
 11 But, as Six’s counsel highlights, the Court has already determined the opposite to be the
 12 case. For one, an argument that a complaint insufficiently pleads allegations giving rise to
 13 Article III standing properly forms the basis of a dispositive motion, not a Rule 11 request
 14 for sanctions, without more. At the hearing to determine sanctions, the Court found that
 15 the Rule 11 Motion was frivolous, made in bad faith, and made with the intent to leverage
 16 a settlement. As the Court explained at the hearing, the use of Rule 11 to lever a settlement
 17 drives a wedge between a lawyer and his client. This is so because the threat of Rule 11
 18 sanctions thrusts the lawyer into a self-preservation dilemma: settle your client’s case or
 19 face personal sanctions. IQ Data’s representative admitted at the hearing that he approved
 20 the filing of the Rule 11 Motion and defended its filing on the basis that “these cases do
 21 not belong in federal court” and that Rule 11 motions are appropriate when an attorney
 22 “does not recognize that they don’t have” standing. (Doc. 106 at 11–14.) That the Court
 23 ultimately found IQ Data’s standing arguments to be persuasive, however, is no obstacle
 24 to making a finding of bad faith. *See Estate of Blas Through Chargualaf v. Winkler*, 792
 25 F.2d 858, 860 (9th Cir. 1986) (explaining that bad faith is present when an attorney “argues
 26 a meritorious claim for the purpose of harassing an opponent”). The Court further
 27 concluded that IQ Data acted with bad faith in denying Six’s extension requests and
 28 moving for a modification of the Scheduling Order. Indeed, in doing so, IQ Data

1 successfully deceived the Court into granting the motion.

2 These findings enable the Court to award attorneys' fees as a sanction pursuant to
3 both 28 U.S.C. § 1927 and its inherent authority. *See Fink*, 239 F.3d at 993–94 (explaining
4 that “recklessness suffices for § 1927” and “conduct tantamount to bad faith,” including
5 “recklessness when combined with an additional factor such as frivolousness, harassment,
6 or an improper purpose” suffices for inherent authority sanctions).

7 **B. Reasonableness of Fees**

8 Six's counsel argues that they are entitled to a fee award in the total amount of
9 \$49,927.75. (Doc. 115 at 11.) Six's counsel first arrives at an initial lodestar figure of
10 \$45,491.04 by taking their two respective billing rates of \$465.80 and \$407.57 an hour and
11 multiplying that by the hours each worked, 70.1 and 31.5 hours, respectively. (Doc. 109 at
12 6.) Six's counsel also seeks an additional \$2,288.23 and \$1,682.68 in fees associated with
13 the preparation of their motion, supporting documents, and reply. (*Id.*; Doc. 115 at 11.) IQ
14 Data responds that the requested fees should be significantly reduced for four primary
15 reasons. (Doc. 113 at 5.) First, Six's counsel requests fees for billing entries that are outside
16 the scope of the Court's findings at the sanctions hearing. (*Id.*) Second, Six's counsel
17 requests fees for unreasonable and duplicative billing entries. (*Id.*) Third, many of Six's
18 counsel's billing entries fail to comply with LRCiv. 54.2(e)(2), which requires a party
19 seeking an award of fees to adequately describe the services rendered so that the
20 reasonableness of the charge can be evaluated. (*Id.*) And fourth, Six's counsel's billing rate
21 should be reduced. (*Id.*)

22 The Court expressly stated that any fee award would be limited to those fees
23 incurred in relation to IQ Data's Rule 11 Motion, the extension requests relating to IQ
24 Data's summary judgement motion, the sanctions hearing, and the Motion to Modify the
25 Scheduling Order. (Doc. 106 at 43.) As a result, the Court will deny the fees requested
26 stemming from Six's previously denied Motion for Judgment on the Pleadings. The Court
27 did not reference that motion at the hearing and finds no good cause for awarding fees in
28 connection with the other matters. Similarly, the Court will not award fees arising from

1 Six's Motion to Stay or his own—never filed—Rule 11 motion. Again, the Court did not
2 invite Six's counsel to file a request for all fees incurred in this litigation. Rather, the Court,
3 in an exercise of its discretion and inherent authority, specifically enumerated items for
4 which Six's counsel could move for fees. Accordingly, any fees not related to the above
5 listed conduct will be denied and the reasonable number of hours expended will be
6 eliminated. The Court also notes that many of the fees requested reflect duplicative billing
7 entries, clerical work, or block billing practices. The Court will not award fees for entries
8 reflecting a review of another attorney's work. To the extent such review adds value, it is
9 clerical, rather than legal, in nature.

10 The Court finds the requested billable rate to be unreasonable for this type of matter.
11 In determining whether an hourly rate is reasonable, “the district court should be guided
12 by the rate prevailing in the community for similar work performed by attorneys of
13 comparable skill, experience, and reputation.” *Ingram v. Oroudjian*, 647 F.3d 925, 928 (9th
14 Cir. 2011). Six's lead counsel cites three cases in this district finding his \$400/hour rate to
15 be reasonable. (Doc. 109 at 6–7.) But each of those cases involved class allegations and
16 unopposed settlement approval requests that are not present here. *See Akins v. Seidberg L.*
17 *Offs. PC*, No. CV-18-00954-PHX-DJH, 2019 WL 2395554, at *1 (D. Ariz. June 6, 2019);
18 *Ogletree v. Cafe Valley Inc.*, No. CV-16-03881-PHX-JJT, 2018 WL 4179060, at *1 (D.
19 Ariz. Apr. 13, 2018); *Jordan v. Freedom Nat'l Ins. Servs. Inc.*, No. CV-16-00362-PHX-
20 DLR, 2017 WL 10185526, at *2 (D. Ariz. July 20, 2017). This case presents much simpler,
21 formulaic elements. In the words of Six's counsel, this is a “mundane FDCPA case” with
22 a single count and a four-page notice pleading complaint. (Doc. 109 at 13.) When
23 confronted with single plaintiff FDCPA actions, courts in this District have found billing
24 rates of \$350 per hour to be reasonable. *See, e.g., Webb v. Vial Fotheringham LLP*, No.
25 CV-17-01476-PHX-DJH, 2019 WL 479834, at *2 (D. Ariz. Feb. 7, 2019) (finding a \$350
26 hourly rate in a FDCPA case to be reasonable); *St. Bernard v. State Collection Serv., Inc.*,
27 782 F. Supp. 2d 823, 827 (D. Ariz. 2010) (finding a \$350 hourly rate reasonable for a
28 FDCPA case filed in the Phoenix market). The requested \$465.80 and \$407.57 hourly rates

are grossly excessive for this type of work in the Phoenix market. Accordingly, the Court will discount the rates to \$350 and \$300 an hour, respectively. That Six's counsel ultimately proved unsuccessful in litigating the issue of standing does not alter this conclusion. Indeed, Six's counsel claims to be "on the cutting edge of the issue of standing and is actively developing the law in this area" and has successfully litigated other matters presenting similar issues. (Doc. 109 at 12.) Six's counsel, presumably, has already researched, presented, and litigated many of the same arguments present in this case.

After discounting the number of hours billed and the corresponding billable rates as contemplated above, the Court reaches a lodestar amount of \$17,520.* Although the lodestar amount may be adjusted to account for factors not subsumed within its analysis, the Court finds no good cause for doing so.

IV. CONCLUSION

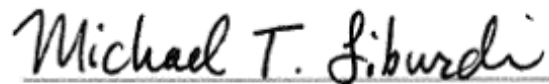
Accordingly,

IT IS ORDERED granting, with modifications, Plaintiff Ryan Six's Motion for Attorney Fees re Sanctions (Doc. 109).

IT IS FURTHER ORDERED that Defendant IQ Data International, Inc. and its counsel, Carpenter, Hazlewood, Delgado & Bolen LLP, shall be jointly and severally liable for \$17,520 in attorneys' fees. Payment must be made within thirty (30) days of this Order.

IT IS FURTHER ORDERED that Plaintiff's counsel shall file a notice of satisfaction within seven (7) days of the receipt of the full amount of attorneys' fees as contemplated by this Order.

Dated this 18th day of May, 2023.



Michael T. Liburdi
United States District Judge

* The Court attaches a spreadsheet showing its specific discounting and calculations as an appendix to this Order.

Date	Timekeeper	Billing Entry	Requested Hours	Requested Rate	Requested Amount	Court's Explanation for Discount	Hours Awarded for Russell S. Thompson	Hours Awarded for Jose Gill
1-Dec-22	Russell S. Thompson	Misc: (RT*) Prepare for Sanctions Hearing - final prep of outline, printed necessary documents, and familiarize as much as possible to avoid needing to look through docs	3.3	465.8	\$1,537.14		3.3	
1-Dec-22	Russell S. Thompson	Hearing: (RT) On D's conduct/sanctions - Travel to Court (5); in court (including recess to discuss settlement) (1.8) travel from court (7)	3	465.8	\$1,397.40	Removed time for travel to Court	2.8	
29-Nov-22	Russell S. Thompson	Finished draft proposed response to IQ's sanctions brief, sent to Jose review	1.4	465.8	\$652.12		1.4	
29-Nov-22	Russell S. Thompson	Motion: (RT) For leave to respond and for leave to file settlement conference memo - reviewed Jose's comments and proposed edits, and performed final review and edits before filing	0.8	465.8	\$372.64		0.8	
29-Nov-22	Jose Gill	Review RT's response to D's brief re sanctions. Provide notes and revisions in redline	2.6	407.57	\$1,059.68	Duplicative attorney work		
29-Nov-22	Jose Gill	Review RT's revised MFL and proposed response	0.6	407.57	\$244.54	Duplicative attorney work		
28-Nov-22	Russell S. Thompson	Reviewed Court's order (1); email to client re appearance in-person on Thursday, advised will call when out of mediation today, gave some background on hearing (2)	0.3	465.8	\$139.74		0.3	
28-Nov-22	Russell S. Thompson	Call with client to discuss order and Thursday hearing	0.3	465.8	\$139.74		0.3	
28-Nov-22	Russell S. Thompson	Continued drafting proposed response to CHDB's sanctions brief (3.3); call with Jose to discuss further (5)	3.8	465.8	\$1,770.04		3.8	
23-Nov-22	Russell S. Thompson	Call with Jose to discuss IQ's filing per court order	0.4	465.8	\$186.32	Fails to comply with LRCiv 54.2 Unclear what "IQ's Filing" refers to		
23-Nov-22	Russell S. Thompson	Additional call with Jose to discuss thoughts on representations in IQ's filings so far today and how we should proceed given false emails, misrepresentations, etc	0.8	465.8	\$372.64	Fails to comply with LRCiv 54.2 Unclear what "IQ's Filing" refers to		
23-Nov-22	Russell S. Thompson	Began reviewing IQ's/counsel's response to court's order re sanctions, taking notes on false or misleading statements, will need to address many false statements and attempts to throw me under the bus	3.6	465.8	\$1,676.88		3.6	
23-Nov-22	Russell S. Thompson	Finished reviewing response to Court's order and exhibits, began legal research and drafting motion for leave to respond and draft response	9.2	465.8	\$4,285.36	improper block billing		
22-Nov-22	Jose Gill	Call with RT re D's brief on sanctions 4; begin reviewing D's brief re sanctions 2.3 additional call with RT to discuss (8)	3.5	407.57	\$1,426.50			3.5
17-Nov-22	Russell S. Thompson	Email from OC re motion for extra pages, reviewed order and rule to see if appropriate (2) discussed w Jose (1) prepared responsive email (1)	0.4	465.8	\$186.32	Not within items listed by Court		
8-Nov-22	Russell S. Thompson	Reviewed and ensured (88) Order properly diaried	0.1	465.8	\$46.58	Not within items listed by Court		
7-Nov-22	Russell S. Thompson	Called OC after noon deadline re position on any extension (already opposes 30 days) as discussed at end of depo, left message	0.1	465.8	\$46.58		0.1	
7-Nov-22	Russell S. Thompson	Motion: (RT) to extend deadline to respond to MSJ - reviewed file, email correspondence with OC, and notes from 30(b)(6) depo, to prepare motion to extend and detailing conduct in this case to support good cause to extend the deadline. Otherwise, will be forced to pay for immediate transcript and rush response	2.3	465.8	\$1,071.34		2.3	
7-Nov-22	Jose Gill	Review and Revise RT's motion for more time to respond to MSJ	1.5	407.57	\$611.36	Duplicative attorney work		
23-Sep-22	Russell S. Thompson	Discovery: (RT) Joint Motion to Modify Deadlines - prepared draft motion and sent to OC for review and approval	0.3	465.8	\$139.74		0.3	
22-Sep-22	Russell S. Thompson	Email to OC re joint motion to modify scheduling order	0.1	465.8	\$46.58		0.1	
18-Aug-22	Russell S. Thompson	Reviewed order denying Rule 11 motion	0.1	465.8	\$46.58		0.1	
18-Aug-22	Russell S. Thompson	Reviewed order denying motion to stay	0.1	465.8	\$46.58	Not within items listed by Court		
17-Aug-22	Russell S. Thompson	Motion: (RT) To Stay or Alternatively Extend Expert/Settlement deadlines - researched any case law re stay with Rule 11 motion pending (no success) and drafted detailed motion to stay (2.8); edits and revisions following Jose's review (2) prepared PO (1)	3.1	465.8	\$1,443.98	Not within items listed by Court		
17-Aug-22	Jose Gill	Review and revise RT's motion to stay	1.4	407.57	\$570.60	Not within items listed by Court; Duplicative attorney work		
8-Aug-22	Russell S. Thompson	Email to OC re jointly moving to stay or moving forward with disputes and extending good faith settlement deadline until after Rule 11 motion resolved	0.2	465.8	\$93.16		0.2	
1-Aug-22	Russell S. Thompson	Email from OC now trying to use settlement discussion deadline to leverage its Rule 11 motion for settlement	0.1	465.8	\$46.58		0.1	
15-Jul-22	Russell S. Thompson	Email from OC soliciting demand (1); research/discussed implications/propriety of same and discussed with JG (3)	0.4	465.8	\$186.32		0.4	
15-Jul-22	Jose Gill	Research R11 and settlement, send draft response to OC's contact to RT for his consideration	1.1	407.57	\$448.33			1.1
15-Jul-22	Jose Gill	Discussed Rule 11 issue with RT	0.3	407.57	\$122.27			0.3
11-Jul-22	Russell S. Thompson	Review: [RT] - (39) Reply Supporting Defendant's Rule 11 Motion - reviewed (3); discussed whether to strike/surreply with Jose (3)	0.6	465.8	\$279.48		0.6	
11-Jul-22	Jose Gill	Review D's R 11 reply (2) and discuss with RT (3)	0.5	407.57	\$203.79			0.5

7-Jul-22	Nikki Taylor	Review incoming ECF Notification with (39) Reply Supporting Defendant's Rule 11 Motion Task the same for Attorney for review	0	135	\$0 00			
30-Jun-22	Nikki Taylor	Review file Finalize Response to CR 11 Motion for filing E-file with same with the Court	0	135	\$0 00			
27-Jun-22	Russell S. Thompson	Review, revise, comment on revised response to Rule 11 motion	0 4	465 8	\$186 32	Duplicative attorney work		
27-Jun-22	Jose Gill	Revise draft Rule 11 response per RT's comments	0 9	407 57	\$366 81	Duplicative attorney work		
24-Jun-22	Jose Gill	Continued to draft and revise response to R11 motion - continued legal research on recent standing opinions, including reviewing 1692c(a)(2) cases and those citing to Lupia (10th Cir) 7; drafted section on misrepresenting RT's statements at R16 7; legal research and drafted section re attorney fees 6; R 11 standard 2; drafted intro 7; reviewed and revised for clarity/make more compelling 6	3 5	407 57	\$1,426 50			3 5
23-Jun-22	Russell S. Thompson	Review: (RT) - (32) Defendants Rule 11 Motion for Sanctions - made notes for JG when preparing response	0 6	465 8	\$279 48			0 6
23-Jun-22	Nikki Taylor	Review incoming ECF Notice of (32) Defendant's Rule 11 Motion for Sanctions Task the same for review by Attorney Update case file and notes	0	135	\$0 00			
23-Jun-22	Jose Gill	Prepared draft response to R11 motion - reviewed motion 7; repurposed relevant sections of unfiled draft Rule 11 motion and MJOP, performed updated standing research for standing section 2 6	3 3	407 57	\$1,344 98			3 3
9-Jun-22	Russell S. Thompson	Motion: (RT) Reply to MJOP DUE 6/13 - reviewed and revised per JG's comments and revisions (4); email from OC re standing on motion, updated accordingly (1) filed	0 5	465 8	\$232 90	Not within items listed by Court		
9-Jun-22	Nikki Taylor	Save (31) Plaintiff's Reply to MJOP	0	135	\$0 00			
8-Jun-22	Russell S. Thompson	Discussed offset with JG (3); additional legal research and finalized draft MJOP reply (4 9) reviewed and revised for clarity and page limit (4)	5 6	465 8	\$2,608 48	Not within items listed by Court		
8-Jun-22	Russell S. Thompson	f/u to oc on conferring over MJOP (as raised in motion), and IQ's position on withdrawing any defenses	0 1	465 8	\$46 58	Not within items listed by Court		
8-Jun-22	Jose Gill	Researched issue and nature of setoff, prepare notes, em to RT	1 5	407 57	\$611 36	Not within items listed by Court		
8-Jun-22	Jose Gill	Revised RT's draft reply to MJOP	1 3	407 57	\$529 84	Not within items listed by Court		
7-Jun-22	Russell S. Thompson	email to OC re opposition noting did not confer, requesting whether they will withdraw or attempt to cure even though with disagree that conferral was required	0 1	465 8	\$46 58	Not within items listed by Court		
7-Jun-22	Russell S. Thompson	Reviewed IQ's response to MJOP (1 7), began legal research and drafting reply to Motion for Judgment on the Pleadings - legal research and drafting section(s) on MJOP, not to strike (8); LR 12 1 (2); Standing (3); failure to state a claim (2); Twombly and Iqbal section (7); estoppel generally (4); equitable estoppel (4); reservation of rights (2); offset (1 4); no damages/failure to mitigation (9); leave should be denied (2); intro (2); reviewed and revised draft before sending to JG for review (8)	8 4	465 8	\$3,912 72	Not within items listed by Court		
7-Jun-22	Nikki Taylor	Review incoming ECF with Response to Motion For Judgment on the Pleadings and Proposed Order Update client file and task same for Attorney review	0	135	\$0 00			
2-Jun-22	Russell S. Thompson	Reviewed OC's letter response re Rule 11 threats - still says nothing and makes no argument	0 1	465 8	\$46 58			0 1
23-May-22	Russell S. Thompson	Motion: (RT) JOP re standing affirmative defense - reviewed and revised per JG's review (3); prepared PO (1); finalized letter response re Rule 11 and sent to Defendant (1)	0 5	465 8	\$232 90	Other entires not within items listed by Court and duplicative attorney work		0 1
20-May-22	Jose Gill	Revised RT's draft MJOP	2 9	407 57	\$1,181 95	Not within items listed by Court		
19-May-22	Russell S. Thompson	Motion: (RT) for Judgment on the Pleadings (to avoid/deter Rule 11 motion) - legal research, and drafted section(s) on, standards (2); failure to state a claim (2); IQ violated 1692c(a)(2) (6); no damages (3); estoppel (1 2); reservation of rights (2); offset (1 3); consolidated and revised section on standing from draft Rule 11 motion (6); intro (2); reviewed and revised before sending to JG to review (3)	5 1	465 8	\$2,375 58	Not within items listed by Court		
18-May-22	Jose Gill	Review R11 motion and history thus far, provided comments, edits, feedback, and suggestions on draft Rule 11 response letter to defendant	4 5	407 57	\$1,834 07			4 5
17-May-22	Russell S. Thompson	Reviewed transcript hearing in detail, sketched outline for memo re same, and prepared detailed memo discussing counter arguments to Rule 11 to deter IQ from filing threatened motion (4 3); sent to Jose to review and discuss	4 3	465 8	\$2,002 94			4 3
12-May-22	Russell S. Thompson	Received Rule 11 motion from Def, reviewed (4) discussed with Jose (4)	0 8	465 8	\$372 64			0 8
12-May-22	Nikki Taylor	Received and reviewed email from opposing counsel Pulled and saved transcript	0	135	\$0 00			
12-May-22	Nikki Taylor	Received and reviewed email from opposing counsel Pulled and saved rule 11 motion to file for attorney review	0	135	\$0 00			
12-May-22	Jose Gill	Call with RT to discuss R16 transcript and R11 motion he was served	0 4	407 57	\$163 03			0 4
29-Apr-22	Russell S. Thompson	Review: (22) Transcript Request, (23) Notice of Deficiency, (24) Amended Transcript request	0 1	465 8	\$46 58	Not within items listed by Court		

14-Apr-22	Russell S. Thompson	Motion: (RT*) Draft Rule 11 motion and response to threatened Rule 11 motion - reviewed Jose's comments and proposed suggestions, finalized version to be ready to serve asap including additional legal research and supplementing standing arguments	1.3	465.8	\$605.54	Not within items listed by Court; Does not specify amount of time spent drafting response to Rule 11 Motion		
14-Apr-22	Jose Gill	1.3 Review RT's draft response to Rule 11 motion and draft Rule 11 motion prepared in anticipation of D's rule 11 motion. Provide notes to him re the same	1.3	407.57	\$529.84	Not within items listed by Court; Does not specify amount of time spent drafting response to Rule 11 Motion		
12-Apr-22	Russell S. Thompson	Motion: (RT*) Draft Rule 11 motion and response to threatened Rule 11 motion - finished researching and drafting motion and response, including legal research and drafting section on comparing only the harm (not elements) (2.3); Intro (2); conclusion (3)	2.8	465.8	\$1,304.24	Not within items listed by Court; Does not specify amount of time spent drafting response to Rule 11 Motion		
7-Apr-22	Russell S. Thompson	Began drafting opposition to threatened Rule 11 motion - legal research and drafted section on service of motion in advance (6); legal research and drafted sections on standing, including under 1692c(a)(2), and harms comparable to IOP (intrusion upon seclusion) (3.6)	4.2	465.8	\$1,956.36		4.2	
6-Apr-22	Russell S. Thompson	Reviewed Rule 11 letter (1); and discussed with Jose (3); it appears IQ may intend to seek sanctions without complying properly under Rule 11 with copy of motion. Decided to draft Rule 11 motion to serve immediately for such failures if filed without service copy 21 days in advance	0.4	465.8	\$186.32		0.4	
6-Apr-22	Jose Gill	Research Rule 11 timeliness and pre filing service requirements in AZ	0.4	407.57	\$163.03			0.4
	Jose Gill	Preparing Plaintiff's fee motion and exhibits in support	2.7	407.57	\$1,100.44			2.7
	Russell S. Thompson	Reviewing, revising, and approving preparing Plaintiff's fee motion	0.8	465.8	\$372.64	Duplicative attorney work		
	Russell S. Thompson	Preparing his declaration for fee motion	1.4	465.8	\$652.12		1.4	
	Jose Gill	Reviewing declaration for fee motion	0.4	407.57	\$163.03			0.4
			106.9	Total (requested):	\$47,779.26	Total Hours Awarded per lawyer	32.4	20.6
						Fees awarded per lawyer (Russell S. Thompson - \$350/Hour; Jose Gill \$300/Hour)	\$11,340.00	\$6,180.00
						Total Fee Award:	\$17,520.00	